WHEREAS, Petitioners requested and were granted a special exception and variances for a Class B office building on June 21, 1989, amended July 13, 1989, subject to restrictions;

WHEREAS, Counsel for Petitioners has requested an extension of the utilization of the special exception granted in the above-captioned matter due to delays in obtaining record plat approval;

IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this day of May, 1991 that a Petition for Special Hearing be filed by Petitioner and a public hearing scheduled to determine the appropriateness of extending the special exception granted on June 21, 1989, amended July 13, 1991, pursuant to Section 502.3 of the Baltimore County Zoning Regulations (B.C.Z.R.); and,

IT IS FURTHER ORDERED that public notice of the hearing be given by posting the property and advertising the hearing on same at Petitioners' expense.

> ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

cc: Anthony J. DiPaula, Esquire 614 Bosley Avenue, Towson, Md. 21204

Addressees Listed on Attached Sheet

Case No. 89-116-XA Addressees:

Ms. Jean Walsh, 717 Edmondson Avenue, Catonsville, Md. 21228

Mr. James W. Mohler 2 W. Rolling Crossroads, Suite 203, Catonsville, Md. 21228

Mr. C. Victor McFarland, 1002 Frederick Road, Catonsville, Md. 21228

Mr. John A. Cook, 8 Locust Drive, Catonsville, Md. 21228 People's Counsel; File

IN RE: PETITIONS FOR SPECIAL EXCEPTION * BEFORE THE AND VARIANCE - SE/Corner of the

1st Councilmanic District

Intersection of Locust Drive * DEPUTY ZONING COMMISSIONER

* Case No. 89-116-XA

and Frederick Road (1005 Frederick Road) * OF BALTIMORE COUNTY 1st Election District

Ten O'Five Frederick, Inc. Petitioners * * * * * * * * * * *

AMENDED ORDER

WHEREAS, the Petitioners requested a special exception for a

Class B office building and variances to permit a rear yard setback of 3 feet in lieu of the required 30 feet; 0% amenity open space in lieu of the required 7% for the interior parking lot; a 0-foot landscape buffer width along property lines which abut residential land in lieu of the minimum required 20 feet: a buffer width of 6.5 feet along a residential street in lieu of the minimum required 20 feet; and to permit a 0' landscape buffer width along a property line which abuts non-residentially zoned property in lieu of the minimum required 10 feet, in accordance with the plan submitted and identified as Petitioner's Exhibit 1;

WHEREAS, by Order issued June 21, 1989, the relief requested was granted in part and modified in part subject to restrictions;

WHEREAS, a mathematical error was made in Restriction No. *3 in the calculation of the reduced square footage of the Class B Office Building approved in said Order:

IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 13th day of July, 1989 that Restriction No. 3 of the Order issued June 21, 1989 be and the same is hereby AMENDED to read as follows:

> "3) Unit 4 as shown on Petitioner's Exhibit 1 shall be deleted and in its place, where possible, addition-

al parking and amenity open space shall be provided. As a result of deleting Unit 4, the useable floor area of Units 1, 2 and 3 shall not exceed 4,320 sq.ft. in lieu of the originally petitioned 5,760 sq.ft."

IT IS FURTHER ORDERED that all other conditions and restrictions of the Order issued on June 21, 1989 shall remain in full force and effect.

> a M Nestrone ANN M. NASTAROWICZ -Deputy Zoning Commissioner for Baltimore County

AMN:bjs

cc: Anthony J. DiPaula, Esquire 614 Bosley Avenue, Towson, Md. 21204

Ms. Jean Walsh

717 Edmondson Avenue, Catonsville, Md. 21228

Mr. James W. Mohler 2 W. Rolling Crossroads, Suite 203, Catonsville, Md. 21228

Mr. C. Victor McFarland

1002 Frederick Road, Catonsville, Md. 21228

Mr. John A. Cook

8 Locust Drive, Catonsville, Md. 21228

People's Counsel

IN RE: PETITIONS FOR SPECIAL EXCEPTION * BEFORE THE AND VARIANCE - SE/Corner of the Intersection of Locust Drive * DEPUTY ZONING COMMISSIONER and Frederick Road * OF BALTIMORE COUNTY (1005 Frederick Road) 1st Election District * Case No. 89-116-XA 1st Councilmanic District Ten O'Five Frederick, Inc. * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special exception for a Class B office building and variances to permit a rear yard setback of 3 feet in lieu of the required 30 feet; 0% amenity open space in lieu of the required 7% for the interior parking lot; a 0-foot landscape buffer width along property lines which abut residential land in lieu of the minimum required 20 feet; a buffer width of 6.5 feet along a residential street in lieu of the minimum required 20 feet; and to permit a 0' landscape buffer width along a property line which abuts non-residentially zoned property in lies of the minimum required 10 feet, all as more particularly described in Petitioner's Exhibit 1.

At the original hearing held on October 7, 1988, the Petitioners, by David and Joel Kaufman, appeared without benefit of Counsel, although its Counsel entered its appearance in the matter. As Petitioners are a corporation, legal representation is required at zoning hearings. The hearing was then continued to permit Petitioners the opportunity to have Counsel present.

The hearing was continued to December 7, 1988. During the interim two months, Baltimore County Council Bill #151-88 was passed and took effect on November 27, 1988. Bill #151-88 modified the regulations regarding the R.C. zoning classifications. Said legislation reduced the size

and scope of Class B office buildings in the R.O. zones, the subject matter of the instant case. Further, the regulations limited the area of a building which could be used for medical offices to 25% of the gross adjusted floor area of the office building. The Bill had no savings or grandfather clause for plans submitted and filed under the old regulations. Thus, the subject property was then required to meet the terms and conditions set forth in Bill #151-88 and/or request "ariances and meet the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.). On December 7, 1988, through their newly retained Counsel, Anthony J. DiPaula, Esquire, the Petitioners requested a continued hearing to allow them time to file an amended Petition for Special Exception and a Petition for Zoning Variance. The continued hearing was then scheduled for May 17, 1989.

On May 17, 1989, the Petitioners, by David and Joel Kaufman, appeared, testified, and were represented by Anthony J. DiPaula, Esquire. Also appearing on behalf of the Petition was Charles R. Crocken, Professional Engineer. The following individuals appeared and testified in opposition: Jean Walsh and Jim Mohler and Thomas Booth with Catonsville 2000, Inc.; C. Victor McFarland, an attorney whose office is across the street; and the following nearby residential property owners: John and Sally Cook; T. Anderson; Mr. & Mrs. David Schnale, Tony Benicewicz, Linda Pfeifer, Ann Smith, and B.T. Harrison.

Testimony indicated that the subject property, known as 1005 Frederick Road, consists of 0.76 acres split zoned R.O. and D.R. 5.5, and is presently unimproved. Testimony presented by Hr. Crocken indicated the Petitioners propose constructing a professional office building consisting of four units similar to townhouses, each with two floors and a third

floor dormer area. The total useable square footage for the four units would be 5,760 sq.ft. more or less. The uses would be medical as well as general office space. The regulations do not permit greater than 25% of the square footage to be used for medical office space. Testimony indicated the property is zoned R.O. to the north and D.R. 5.5 to the south. To the east of the property on Frederick Road is the Post Office, to the west on Frederick Road is a frame dwelling office building, across the street on Frederick Road are office uses and the public library. Locust Avenue is a one-way street southbound which is improved with 21 houses. Three are used as two or three apartment dwellings and 19 are single family dwellings. The homes are very attractive and well-maintained.

Mr. Crocken and Mr. Kaufman testified the proposed building has been designed in keeping with the residential character and nature of the surrounding properties. An architectural rendering of the proposed building was submitted as Petitioner's Exhibit 2 evidencing an attractive twostory building which has been designed from the exterior as many residential townhouses. Testimony indicated that landscaping and screening will be provided to maintain a buffer of the D.R. 5.5 zoned section of the property and to meet the requirements of the Baltimore County Landscaping Manual. Mr. Crocken testified regarding the design of the traffic flow to limit the traffic through the residential area by having an entrance only on Locust Avenue and all exiting on Frederick Road with a right turn on-

have suffered due to the original hearing having to be continued as a result of its original counsel's failure to appear which necessitated the requested variances which would not have been required if the case had

been heard in October. He indicated that prior to Bill #151-88 taking effect, the requested setback variances would not have been necessary. Mr. Crocken testified that the requirements of Section 502.1 would be met by this project and that the variances requested would not result in any detriment to the health, safety or general welfare of the community.

The Protestants are of the opinion that the proposed building is

oversized for the subject property, that its design is not in keeping with the residential character of the surrounding neighborhood, and that its presence in their community will jeopardize the value of adjoining residential properties. Further, the Protestants contend the proposed project will generate too much traffic for Locust Avenue. While the Protestants agreed the proposed building is magnificent in its design, they firmly believe such a project is too large for this area and not in keeping with the conditions delineated in Section 502.1. The testimony presented by the Protestants mainly differed with the special exception requirements set forth in Section 502.1a, b, and d. The Protestants emphasized the current parking problem on Locust Avenue is directly related to employees of the Post Office and other offices in the vicinity parking along this road resulting in heavy traffic on this residential neighborhood street. The Protestants question the ability of the 16 spaces to be provided by O o this project to handle the proposed four unit office building. The Protestants argued that Petitioners failed to present any traffic studies or testimony to support the parking spaces proposed were adequate and would not result in any overflow of parking onto the adjoining street. The Protestants strongly disagreed in light of their collective experiences.

Petitioners argued the hardship and practical difficulty they

- 2-

ORDE Date

It is clear that the B.C.Z.R. permits the use proposed in the R.O. zone by special exception. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. Clearly, the design proposed by Petitioners is attractive, as the Protestants concede, and is in keeping with the residential character of the surrounding community. However, the evidence clearly indicates that the proposed offices as presented will create a parking problem and adversely affect the surrounding neighborhood. The size proposed is larger than the lot can handle and therefore should be reduced. The facts and circumstances do not show that the proposed use, as hereinafter modified, at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, →432 A.2d 1319 (1981).

The proposed use, as modified, will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception, as modified, should be granted with certain restrictions as more fully described below.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

> 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome:

2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variances are granted. such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, or general welfare, provided the project is reduced in size and landscaped along the property lines as much as space permits.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the special exception and variance petitions should be

RECTIVED !

THEREFORE. IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 2/00 day of June, 1989 that the Petition for Special Exception to permit a Class B office building on the subject property, and the Petition for Zoning Variance to permit a rear yard setback of 3 feet in lieu of the required 30 feet; 0% amenity open space in lieu of the required 7% for the interior parking lot; a 0-foot landscape buffer width along property lines which abut residential land in lieu of the

minimum required 20 feet; a buffer width of 6.5 feet along a residential street in lieu of the minimum required 20 feet; and to permit a 0' landscape buffer width along a property line which abuts non-residentially zoned property in lieu of the minimum required 10 feet, be and are hereby GRANTED, subject, however, to the following restrictions which are condi-

tions precedent to the relief granted:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) Prior to the issuance of any occupancy permits, Petitioners shall submit for approval by the Zoning Commissioner and/or Deputy Zoning Commissioner detailed floor plans specifying the uses within the building. At no time shall any part of the building be used for medical offices without submitting a revised site plan to insure no greater than 25% of the total square footage is used for medical office space.

3) Unit 4 as shown on Petitioner's Exhibit 1 shall be deleted and in its place, where possible, additional parking and amenity open space shall be provided. As a result of deleting Unit 4, the useable floor area of Units 1, 2 and 3 shall not exceed 5,040 sq.ft. in lieu of the originally petitioned 5,760 sq.ft.

4) The medical office space area is limited to 25% of the total square footage of the proposed building. No more than one (1) medical practitioner shall have office hours on the premises at any one time.

5) The floor area in the building identified as "Dormer" shall not be used for any purposes other than as storage space.

6) The proposed office building shall be designed in conformance with that depicted in Petitioner's Exhibit 2 with an all brick exterior.

7) Upon request and reasonable notice, Petitioners or any other subsequent property owners and/or occupants shall permit a representative of the Loning

Office to make an inspection of the subject property to insure compliance with this Order.

8) Upon request, Petitioners and/or any other subsequent property owners shall supply the Zoning Office copies of all leases for said property to insure compliance with this Order.

9) Prior to the iscuance of any permits, or within sixty (60) days of the date of this Order, whichever comes first, Petitioners shall submit for approval by the Deputy Zoning Commissioner a revised site plan of the proposed office building incorporating the modifications and restrictions imposed herein.

10) The property shall be landscaped in a manner that will be compatible with the residential character of the neighborhood, which may result in more landscaping than that which would normally be required to meet the Baltimore County Landscaping Manual requirements. A detailed landscaping plan which buffers the adjoining residential properties and landscapes the property along Locust Drive and Frederick Road shall be developed and submitted for approval by the Baltimore County Landscape Planner. Additionally, the feasibility of landscaping the rear of the property will be reviewed and determined by the County Landscape Planner. A copy of the approved landscaping plan shall be submitted for approval by the Deputy Zoning Commissioner within ninety (90) days of the date of this Order.

11) The landscaping as approved shall be maintained by Petitioner and/or its successors in interest.

> A MNostrowica ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

LLUISIED BY: 777116

Estimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines

Dear Mr. DiPaula:

June 21, 1989

Anthony J. DiPaula, Esquire 614 Bosley Avenue Towson, Maryland 21204

Dennis F. Rasmussen

RE: PETITIONS FOR SPECIAL EXCEPTION AND ZONING VARIANCE SE/Corner of the Intersection of Locust Drive and Frederick Road (1005 Frederick Road) 1st Election District - 1st Councilmanic District

Ten O'Five Frederick, Inc. - Petitioners Case No. 89-116-XA

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Exception and Zoning Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

> Very truly yours, A MNostawia

ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

717 Edmondson Avenue, Catonsville, Md. 21228

Mr. James W. Mohler 2 W. Rolling Crossroads, Suite 203, Catonsville, Md. 21228

Mr. C. Victor McFarland 10J2 Frederick Road, Catonsville, Md. 21228

Mr. John A. Cook

8 Locust Drive, Catonsville, Md. 21228 People's Counsel

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER SE Corner Locust Dr. & Frederick Rd. (1005 Frederick Rd.) OF BALTIMORE COUNTY

1st Election District 1st Councilmanic District

TEN O'FIVE FREDERICK, INC., : Case No. 89-116-X Petitioner

ENTRY OF APPEARANCE

:::::::

Please enter the appearance of the People's Counsel in the abovecaptioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

> Phyllis Cole Friedman People's Counsel for Baltimore County

Yax Comena Peter Max Zimmerman Deputy People's Counsel Room 304, County Office Building Towson, Maryland 21204 494-2188

I HEREBY CERTIFY that on this 25th day of November, 1988, a copy of the foregoing Entry of Appearance was mailed to Kenneth Holniker, Esquire, 437 W. Old Liberty Rd., Eldersburg, MD 21784, Attorney for Petitioner.

> the Max Dumenno Peter Max Zimmerman

PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for CONSTRUCTION OF A CLASS B'

OFFICE BUXANG WITH TONE ZONE BOTHER META MONCE WITH SECTION 202 3 BO DE THE

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Contract Purchaser: Legal Owner(s): TEN O'FIVE FREDERICK, INC.

(Type or Print Name) (Type or Print Name) Davie G Kaufman Signature DAVID IG. KAUFMAN City and State

Attorney for Petitioner: 4047 Ridge Romb. 876-2392 KEUNETH HOLNIKER most Lahuku WESTMINITER Md. 21157

437 WI PLD LIBERTY N. Name, address and phone number of legal owner, contract purchaser or representative to be contacted ELPERSBURY, Md. 21784 RENNETH HOLNINER 437 W. OLD LIBERTI Rd. ELDERS BURY, Md. (795-3600)

By The Zoning Commissioner of Baltimore County, this _____ 2726_ day required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the Jak day of Scholer, 1988, at 9

Zoning Commissioner of Baltimore County

Z.C.O.-No. 1

PETITION FOR ZONING VARIANCE Case No.: 89-116-XA TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section s 203.4.C.5 to allow a rear yard setback of 3' in lieu of the minimum 30', 203.4.C.6 to allow 0% amenity open space of the interior-parking lot in lieu of the minimum 7%, 203.4.C.8.C.1 to allow a 0' landscape buffer width along property lines which abut residential land in lieu of the minimum 20' and to allow 6.5' buffer width along a residential street in lieu of the 20' minimum, and 203.4.C.8.C.2 to allow a 0' * of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) This plan has already been through CRG and was approved subject to the granting of the special exception. The variances are necessary to avoid having to resubmit and go through the CRG process again. Even with changes to the plan, some of these new requirements which have arisen since the plan was originally submitted can not be met. * landscape buffer width along a property line which abuts non-residential zoned property in lieu of the minimum 10'. Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County. I/We do solemnly declare and affirm. under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Contract Purchaser: Legal Owner(s): Ten O'Five Frederick, Inc. (Type or Print Name) (Type or Print Name) VBY: David Is Northern Signature David G. Kaufman, President Signature Attorney for Petitioner F. Vernon Booze 437 W. Old Liberty Road Eldersburg, Maryland 21784 City and State -614-Bosley Avenue, Towson, Md. 21204 Name, address and phone number of legal owner, contract purchaser or representative to be contacted Towson, Maryland 21204 Kenneth Holniker Attorney's Telephone No.: 828-9441 437 W. Old Liberty Road 795-3600 Address Eldersburg, Maryland 21784 Phone No. ORDERED By The Zoning Commissioner of Baltimore County, this _____ day 17th day of May LETINATED LETTER OF HETRING -1/81. AVAILABLE FOR HEARTING MON./TUES./WED. - WEXT TWO ECULIS (over) OTEER _

DATE 3/10/81

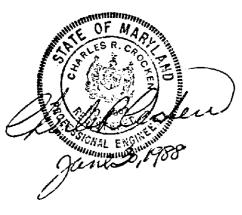
CHARLES R. CROCKEN & ASSOCIATES, INC. · Civil Engineering • Land Planning P.O. BOX 307 WESTMINSTER, MARYLAND 21157

DESCRIPTION OF 0.76 AC. PARCEL OF LAND SITUATE ON THE SOUTHEAST CORNER OF THE INTERSECTION OF LOCUST DRIVE AND FREDERICK ROAD IN THE FIRST ELECTION DISTRICT OF BALTIMORE COUNTY

Beginning for the same at the intersection of the eastern most right of way line of Locust Drive, a public road, 34 feet wide and the southern most right of way line of Frederick Rd., a public road 60 feet wide. Thence running with and binding on aforesaid right of way line of Frederick Rd. N 74°25'00" E, 91.12 feet, thence S 16°22'00" E 170.00 feet, thence N 74°25'00" E, 63.00 feet, to an iron pipe found, thence S 16°22' 00" E 123.76 feet, thence S 73°23'40" W 137.19 feet, to a point on the eastern most right of way line of Locust Drive, thence running with and binding on said right of way line with a curve to the right, having a radius of 2366.00 feet for a distance of 297.09 feet subtented by a chord N 19°38'00° W 296.92 feet to the point of beginning.

Containing 33,105 s.f. (0.76 ac.) of land more or less.

Being all of that parcel of land conveyed unto 1005 Frederick Road, Inc. a Maryland Corporation, and recorded in the land records of Baltimore County in Liber 7491, Folio 707.



The Zering Commissioner of Baltimore Advance by authority of the Zoning Act and Regulations of Baltimore Courty will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows: NOTICE OF HEARING 10750 Little Patuxent Pkwy. Columbia, MD 21044 Petitions for Special Excep-sion and Zoning Variance Case number: 89-116-XA SE/Corner Locust Drive & Frederick Road 1005 Frederick Road 1st Election District 1st Councilmanic Petitioner(s): Ten O' Fine Frederick, Inc. Publions for Special Exception and Zoning Variance
Case number: 89-116-XA
SE/Corner Locust Drive &
Frederick Road
10/15 Frederick Road
1st Election District
1st Councamanic
Petitioner(s):
Ten O' Five Frederick, Inc.
Hearing Date: Wednesday,
May 17, 1969 at 9:30 a.m. Special Exception: Construc-ion of a Class "B" Office Build-ng. Varianon: to allow a rear rard setback of 3 ft. in lieu of the Special Exception: Construction of a Class "B" Office Build-HIS IS TO CERTIFY, that the annexed advertisement of ing: Variance: to allow a rear yard setback of 3 ft. in allow 0%:

minimum 30 ft.; to allow 0%:

minimum 30 ft.; to allow 0%:

minimum coon space of the inminimum 30 ft.; to allow 0% mentry open space of the immor parloing lot in lieu of the immum 7%; to allow 0 ft. landscape yard setback of 3 ft. in field of the minimum 30 ft.; to allow 0 ft. and set interior parting tot in lieu of the minimum 70 ft.; to allow 0 ft. fandscape buffer width along property lines which abut residential land in lieu of the minimum 20 ft.; and to allow 1 ft. and song a residential street in lieu of the 20 ft. minimum; and to allow a 0 ft. fandscape buffer width along a property line which abuts non-residential zoned property in lieu of the minimum 10 ft.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. mum 7%; to allow 0 it. sanoscape puffer width along properly lines which abut residential land in flou of the minimum 20 ft.; and to al-ow 6.5 ft. buffer width along a residential street in fleu of the 20 ft. minimum; and to allow a 0 ft. landscape buffer width along is properly line which abuts non-menterial zoned omporty in fleu. residential zoned property in fieu of the milimum 10 ft. In the event that this Pettion is grained, a building permit may be assured within the thirty (30) day appeal p. mod. The Zoning Com-missioner will, however, entertain any request for a stay of the isscance of said permit during this any request for a stay or the tar suance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the saie of the hearing set above or presented at the hearing. period for good cause shown. Such request must be in writing and received in this office by the cate of the hearing set above or presented at the hearing. J. ROBERT HAINES J. ROBERT HAINE Zorang Commissioner of Batemore County CAT/J-4/250 Apr. 19. Zoning Commissioner of Baltimore County :AT/J4/250 Apr. 19. PO 11001 neg M28914 co 89-116-XA price \$ 83.32

	CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Townson, Maryland
District St.	pecial Exception
Petitioner:	en O'Fire Frederick Inc:
Roads 1005	Frederick Road)
Location of Signe Inc.	front of 1005 Frederick Road
Remarks:	
Posted by S: 9: A	Date of return: September 23, 1988
Number of Signe:	
es estre A	"DIIPI ICATE"
	CERTIFICATE OF PURLICATION
	CERTIFICATE OF PUBLICATION
The Zoning Commissioner of timore County, by suthority of	CERTIFICATE OF PUBLICATION
The Zoning Commissioner of timore County, by authority of Zoning Act and Regulations Baltimore County will hold a both bearing on the property withfed herein in Room 108 of	CERTIFICATE OF PUBLICATION TOWSON, MD., Sect. 12 , 19
The Zoning Commissioner of timore County, by authority of a Zoning Act and Regulations Baltimore County will hold a blic hearing on the property mittied herein in Room 106 of a County Office Building, loked at 111 W. Chesapeake Av-	TOWSON, MD., Sept. 19 THIS IS TO CERTIFY, that the annexed advertisement was
The Zoning Commissioner of timore County, by authority of a Zoning Act and Regulations Baltimore County will hold a bitcheering on the property mitted herein in Room 106 of a County Office Building, loted at 111 W. Chesapeake Avus in Towson, Maryland as toles: Petition for Special Exception	TOWSON, MD., Sect. 1900 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed
The Zoning Commissioner of timore County, by authority of 2 Zoning Act and Regulations Baltimore County will hold a bit hearing on the property intified herein in Room 108 of 2 County Office Building, loted at 111 W. Chesepeake Avus in Towson, Maryland as toless: Petition for Special Exception Case number: 89-116-X SE Comer Intersection Locust Drive and	TOWSON, MD., Sect. 19. 19. THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each
The Zoning Commissioner of timore County, by authority of Zoning Act and Regulations Baltimore County will hold a pic hearing on the property intified herein in Room 108 of County Office Building, loted at 111 W. Chesapeake Avus in Towson, Maryland as toles: Petition for Special Exception Case number: 89-116-X SE Corner Intersection Locust Drive and Frederick Road (1005 Frederick Road) 1st Election District. 1st Councilmanic Petitioner(s): Ten O'Trive Frederick, Inc. Hearing Date: Friday,	TOWSON, MD., Sect. 1900 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed
The Zoning Commissioner of timore County, by authority of a Zoning Act and Regulations Baltimore County will hold a blic hearing on the property intified herein in Room 106 of a County Office Building, loted at 111 W. Chesapeake Avue in Towson, Maryland as toless: Petition for Special Exception Case number: 89-116-X SE Corner Intersection Locust Drive and Frederick Road (1005 Frederick Road) 1st Election District 1st Councilmenic Petitioner(s): Ten O'Five Frederick, Inc. Hearing Date: Friday, Oct. 7, 1968 at 9:00 a.m. Special Exception: Construction of a Class B' Office Building.	TOWSON, MD., 1900 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each of
Case number: 89-116-X SE Corner Intersection Locust Drive and Frederick Road (1005 Frederick Road) 1st Election District 1st Councilment Petitioner(s): Ten O'Frive Frederick, Inc. Hearing Date: Friday,	TOWSON, MD., 1922 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each of successive weeks, the first publication appear-

period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County
9/115 Sept. 8.

70# 04144

89-116-X

Attorney Kerneth Holnicks

BALTIMORE POUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION

MISCELLANEOUS CASH RECEIPT

FOR Reporting

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

_ day of ______, 19gg.

County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

Your petition has been received and accepted for filing this

Petitioner Ten O'Tive Prederick, Inc. Received by: John Town Chairman, Zoning Plans

RECEIVED Ton O' Fire French

8 801 mm Set 1/67 = X

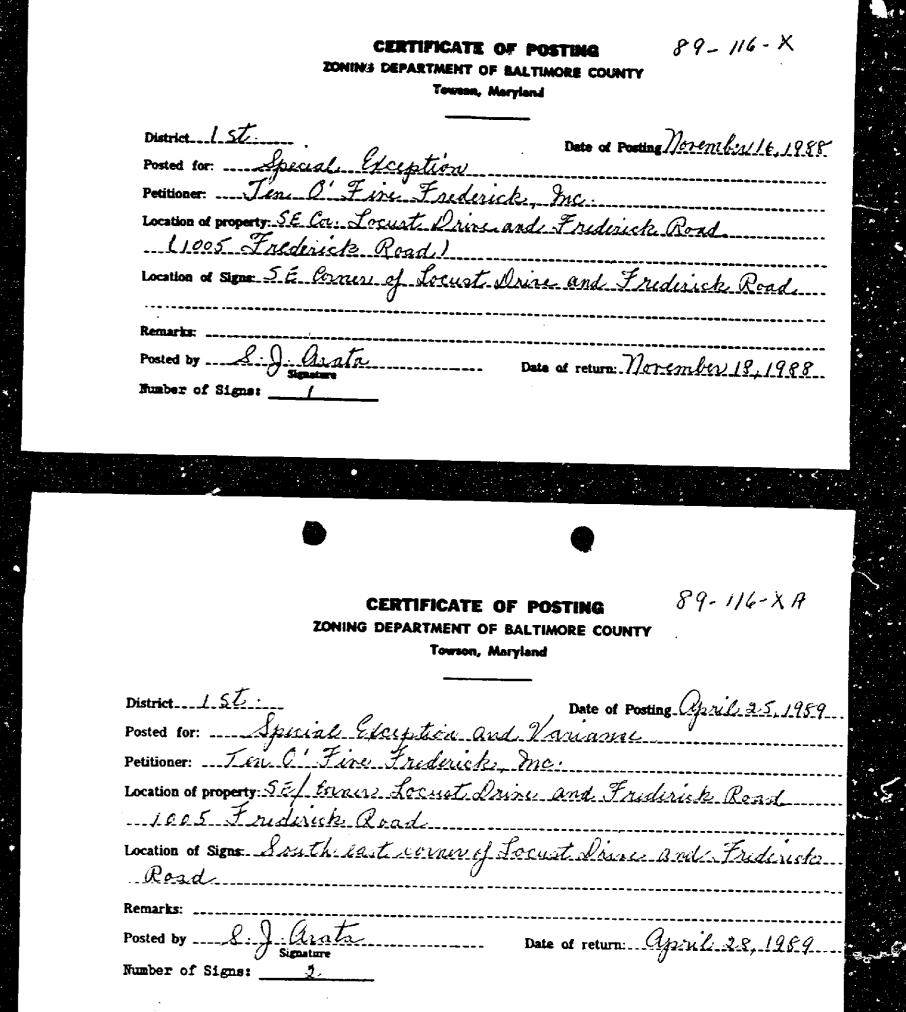
ZONING CO. MISSIONER

Advisory Committee

5. Zefe Orlon

Publisher

	NOTICE OF HEARING The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in	Publishing Company 10750 Little Patuxent Pkwy. Columbia, MD 21044 September 17 19 88
	Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows: Petition for Special Exception CASE NUMBER: 89-116-X SE Corner Intersection Locust Drive and Frederick Road (1005 Frederick Road) 1st Election District - 1st Councilmanic Petitioner(s): Ten O'Five Frederick, Inc. HEARING SCHEDULED: FRIDAY, OCTOBER 7, 1988 at 9 a.m. SPECIAL EXCEPTION: Construction of a Class 'B' Office Building. In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this	THIS IS TO CERTIFY, that the annexed advertisement of NOTICE OF HEARING was inserted in the following: Catonsville Times \$31.82 Booster Weekly Owings Mills Flier Reporter Weekly Towson Flier weekly newspapers published in Baltimore County, Maryland once a week foronesuccessive weeks before the10day ofSeptember19_88, that is to say, the same was inserted in the issues of
	period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing. J. Robert Haines Zoning Commissioner of Baltimore County 307-C/Sept. 8	PATUXENT PUBLISHING COMPANY By
IN THE CIRCUIT COURT FOR BALTIMORE COUNTY, IN EQUITY	Plaintiff vs. Defendent	CERTIFICATE OF PUBLICATION OF



Tracking System Baltimore County	
B. t Commissioner	Council
1003890674600201 - 675 Petitioner: Kaufman Davil (Hast)	<u></u>
Property Address: 100% Frederick Rd (Number) (Street)	
BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE · REVENUE DIVISION MISCELLANEOUS CASH RECEIPT	D
DATE ACCOUNT 673	
FOR: (69-)	/1c-x
B B CE 5 * * * * 13500: a 310 F	

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(1005 Tradeout K	
	VALIDATION OR SIGNAT	URE OF CASHIER
	BALTIMORE COUNTY, MARYLAND OFFICE OF FININCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT	No.
	DATE 9/29/88 ACCOUNT	1-01-61
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	PROM: Jan O' fure -	Tracerich
	FOR Forty Ceder	10/7/58
	B B137*****6745:a	2302F 89-11
1 25	TREUTION VALIDATION OR SIGNAT TE-CASHER PINK-AGENCY YELLOW-CUSTOMER	
0	ALTIMORE COUNTY, MARYLAND FFICE OF FINE CE-REVENUE DIVISION IISCELLANEOUS CASH RECEIPT	No.
	ATE 5/17/89 ACCOUNT	RO1615.

BALTIMORE COUNTY, MARYLAND OFFICE OF FINE E- REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

Ikm 14

Leale-

AMOUNT \$ 98.32

PROM: TENOFIVE FREDERICK

PrA for 5/17/89 hearing 89-116-XA

P 010******3832:a &17%F

Zip Code

J. Robert Haines
Zoning Commissioner

Date: 9/22/88

Ar. David G. Kaufman Ten D[†]Fiva Frederick, Inc. 4047 Ridge Road Yestminster, Azryland 21157

Res Petition for Special Exception
CASE HUTDERs 89-118-X
SE Corner Intersection Locust Drive and Fractarick Road
(1905 Fractarick Road)
1st Election District - 1st Councilments

HEARDE SCHEDLED: FRIDAY, OCTORER 7, 1909 at 9:00 a.m.

Petitioner(s): Ten O'Five Frederick, Inc.

Dennis F. Rasmussen
County Executive

Joan Fire Kaufmont

Please be advised that 67.45 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before your hearing is scheduled to begin.

Please note that should you fail to return the sign and post set(s), there will be an additional \$25.00 added to the above fee for each set not returned.

Very truly yours,

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

JRH:gs cc: Kenneth Holniker, Esq. File Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

Ten O'Five Frederick, Inc. 4047 Ridge Road Westminster, Maryland 21157

ATTN: MR. DAVID KAUFMAN

Dennis F. Rasmussen
County Executive

Re:

Petition for Special Exception
SE Corner Locust Drive & Frederick Road
(1005 Frederick Road)
1st Election District - 1st Councilmanic
Petitioner(s): Ten D'Five Frederick, Inc.
Hearing: December 7 1988 at 9:30 a.m.

Gentlemen:

Please be advised that \$\frac{15.00}{} is due for re-posting of the above-referenced property. Do not remove: the sign(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please bring the sign(s) and post(s) to 111 W. Chesapeake Avenue, Room 111, County Office Building, Towson, Maryland, along with your check made payable to Baltimore County, Maryland on the day of the hearing.

Very truly yours

J. ROBERT HAINES,
Zoning Commissioner of
Baltimore County

JRH:ggs cc: Kenneth Holnicker, Esq. Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zaning Commissioner

Date: 4-25-89

Dennis F. Rasmussen
County Executive

Ten O' Five Frederick, Inc. 437 W. Old Liberty Road Eldersburg, Maryland 21784

Re: Petitions for Special Exception and Zoning Variance
CASE NUMBER: 89-116-XA
SE/Corner Locust Drive & Frederick Road
1005 Frederick Road
1st Election District - 1st Councilmanic
Petitioner(s): Ten 0' Five Frederick, Inc.
HEARING SCHEDULED: WEDNESDAY, MAY 17, 1989 at 9:30

Please be advised that 98.32 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before your hearing is scheduled to begin.

Please note that should you fail to return the sign and post set(s), there will be an additional \$25.00 added to the above fee for each set not returned.

Very truly yours,

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

JRH:gs

F. Vernon Boozer, Esq.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353
J. Robert Haines
Zoning Commissioner

April 7, 1989

NOTICE OF HEARING



Dennis F. Rasmus
County, by authority of the Zoning Act
and Regulations of Baltimore County will hold a public hearing on the property
identified herein in Room 106 of the County Office Building, located at 111
W. Chesapeake Avenue in Towson, Maryland as follows:

Petitions for Special Exception and Zoning Variance CASE NUMBER: 89-116-XA

SE/Corner Locust Crive & Frederick Hoad
1005 Frederick Road
1st Election District - 1st Councilmanic
Petitioner(s): Ten O' Five Frederick, Inc.
HEARING SCHEDULED: WEDNESDAY, MAY 17, 1989 at 9:30 a.m.

Special Exception: Construction of a Class "B" Office Building.

Variance to allow a rear yard setback of 3 ft. in lieu of the minimum 3C ft.; to allow O% amenity open space of the interior parking lot in lieu of the minimum 7%; to allow O ft. landscape buffer width along property lines which abut residential land in lieu of the minimum 2O ft.; and to allow 6.5 ft. buffer width along a residential street in lieu of the 2D ft. minimum; and to allow a O ft. landscape buffer width along a property line which abuts non-residential zoned property in lieu of the minimum 10 ft.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

April 7, 1989 Fage 2

Re: NOTICE UF HEARING

Petitions for Special Exception and Zoning Variance

CASE NUMBER: 89-116-XA

3E/Corner Locust Drive & Frederick Road

1005 Frederick Road

1st Election District + 1st Councilmanic

Petitioner(s): Ten O' Five Frederick, Inc.

HEARING SCHEDULED: WEONESDAY, MAY 17, 1989 at 9:30 a.m.

bcc: David G. Kaufman/Ten O' Five Frederick, Inc./ 4047 Ridge Road/Westmister, MD 21157
Kenneth Holniker/437 W. Old Liberty Road/Eldersburg, MD 21784
F. Vernon Boozer, Esq./614 Bosley Avenue/Towson, MD 21204
Charles R. Crocken/902 Lee AVenue/Sykesville, MD 21784
John and Sally Cook/8 Locust Drive/Catonsville, MD 21228
B.T. Harrison/14 Locust Drive/Catonsville, MD 21228
Linda Pfeifer/17 Sanford Avenue/Catonsville, MD 21228
Rocco Fimione/15 Locust Drive/Catonsville, MD 21228
Thomas A. Andersen/10 Locust Drive/Catonsville, MD 21228
Jean S. Walsh/Catonsville 2000, Inc./717 Edmondson Avenue/Catonsville, MD 21228
John & Charlene Jansen/1012 Edmondson Avenue/Catonsville, MD 21228
Lisa Schmale/1005 Arion Park Road/Apt. 340/Baltimore, MD 21229

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353
J. Robert Haines

August 23, 198

NOTICE OF HEARING



Dennis F. Rasmussen
Courty Executive

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Special Exception

CASE NUMBER: 89-116-X

SE Corner Intersection Locust Drive and Frederick Road

(1005 Frederick Road)

1st Election District - 1st Councilmanic Petitioner(s): Ten O'Five Frederick, Inc. HEARING SCHEDULED: FRIDAY, OCTOBER 7, 1988 at 9:00 a.m.

SPECIAL EXCEPTION: Construction of a Class "B" Offfice Building.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES Zoning Commissioner of Baltimore County

cc: David G. keufman Kenneth Holniker, Esq. File Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353
J. Robert Haines

NOTICE OF HEARING



Dennis F. Rasmussen
County Executive

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Special Exception
SE Corner Locust Drive and Frederick Road
(1005 Frederick Road)
1st Election - 1st Councilmanic
Petitioner(s): Ten O'Five Frederick, Inc.
HEARING SCHEDULED: WEDNESDAY, DECEMBER 7, 1988 at 9:30 a.m. *
Special Exception: Construction of a Class "B" Office Building.

*NOTE:

IF PHASE II OF THE SNOW EMERGENCY PLAN IS IN EFFECT
IN BALTIMORE COUNTY BY 8:30 a.m. ON THE DATE OF THE
ABOVE HEARING, SUCH HEARING WILL BE POSTPONED AND TENTATIVELY RESCHEDULED FOR THURSDAY, JANUARY 12, 1989.
PLEASE TELEPHONE DOCKET CLERK AT 494-3391 TO CONFIRM

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES

Zoning Commissioner of

Baltimore County

ccs: Kenneth Holnicker, Esq.
Charles R. Crocker
Joel Kaufman, Esq.
Jean S. Walsh
Thomas O. Andersen

Rocco Fimione
Linda Pfeifer
B.T. Harrison

John and Sally Cook

I fatergretation of segrature on sign-in sheet.

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BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

September 28, 1988

COUNTY OFFICE BLDG. 111 W. Chesapeake Ave. Towson, Maryland 21204

Kenneth Holnicker, Esquire 437 West Old Liberty Road Eldersburg, Maryland 21784

MEMBERS
Bureau of
Engineering
Department of

State Roads Commission
Bureau of
Fire Prevention
Health Department
Project Planning
Building Department

Board of Education

Industrial

Zoning Administration

Dear Mr. Holnicker:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Petitioner: Ten O'Five Frederick, Inc.

RE: Item No. 14 - Case No. 89-116-X

Petition for Special Exception

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:dt

cc: Charles R. Crocken and Assoc. Inc. 902 Lee Avenue Sykesville, Maryland 21784 Maryland Department of Transportation State Highway Administration

Richard H. Trainor Secretary Hal Kassoff

Administrator

August 3, 1988

Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, Maryland 21204

Attn: Mr. James Dyer

Zoning Meeting of 7-26-88 1005 Frederick Road S/S Frederick Road Maryland Route 144 East of Locust Drive (Item #14)

Re: Baltimore County

Dear Mr. Haines:

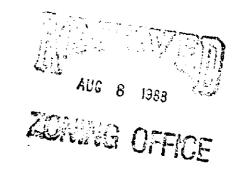
After reviewing the submittal of 1005 Frederick Road, we find the plan must be revised to show a proposed 80' right of way (40' half section) on Frederick Road and no permanent structures may be placed within these limits.

If you have any questions, please contact Larry Brocato of this office.

> Very truly yours, -Creston J. Mills, Jr., Chief Bureau of Engineering Access Permits

LB:maw

cc: Charles R. Crocken & Assoc., Inc. Mr. J. Ogle



My telephone number is (301) 333-1350 Teletypewriter for Impaired Hearing or Speech 383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free Baltimore County Department of Public Works Bureau of Traffic Engineering Courts Building, Suite 405 Towson, Maryland 21204

August 23, 1988



Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, MD 21204

Item No. 14 Property Owner: Existing Zoning:

Meeting of July 26, 1988

Ten O'Five Frederick, Inc. SE Corner of Locust Drive and Frederick Rd. R.O./D.R. - 5.5

Please see the CRG comments for this site.

Assistant Traffic Engineer

SEW/RF/lab

Location:

Dear Mr. Haines:



BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL ECTION AND RESOURCE MANAGEMENT

Zoning Commissioner Office of Planning and Zoning County Office Building Towson, Maryland 21204 Zoning Item 1 14, Zoning Advisory Committee Meeting of July 26, 1988

Property Owner: Ten O'Five Frederick Inc.

Location: 5E Con of inten of Locust Dr. + Frederick Rabistrict 1 Water Supply <u>Metro</u> Sewage Disposal Metro COMMENTS ARE AS FOLLOWS:) Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review

(Prior to new installation/s of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 494-3775, to obtain requirements for such installation/s before work begins. () A permit to construct from the Bureau of Air Quality Management is required for such items as spray paint processes, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere. () A permit to construct from the Bureau of Air Quality Management is required for any charbroiler

operation which has a total cooking surface area of five (5) aquare feet or more.

() Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval. () Prior to any new construction or substantial alteration of public swimming pool, wading pool,

bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Recreational Hygiene Section. Bureau of Regional Community Services, 494-3811.

() Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.) If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with the State Department of the Environment.

() Prior to razing of existing structure/s, petitioner must contact the Division of Waste Management at 494-3768, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestos, 494-3775. Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and tank removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Waste Management at 494-3768.

() Soil percolation tests, have been ____, must be ____, conducted.
() The results are valid until ____.) Soil percolation test results have expired. Petitioner should contact the Division of Water and Sewer to determine whether additional tests are required. () Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore

() In accordance with Section 13-117 of the Baltimore County Code, the water well yield test

) shall be valid until () is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.

() Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples. . () If submission of plans to the County Review Group is required, a Hydrogeological Study and an nvironmental Effects Report must be submitted.

BUREAU OF WATER QUALITY AND RESOURCE MANAGEMENT

BALTIMORE COUNTY, MARYLAND

SUBJECT: COUNTY REVIEW GROUP COMMENTS

DATE: 5/5/88

FROM: ZONING OFFICE

PROJECT NAME: 1005 FREDERICK ROAD LOCATION: SE/Cor Frederick Rd. and Locust Drive REV: 4/26/88 REV: _

/ BA/ BE ADVISED (NOT NECESSARY FOR CRG APPROVAL, BUT MUST BE

ADDRESSED PRIOR TO FINAL ZONING APPROVAL ADDITIONAL COMMENIS ADDED LAST BY PLAN DATE

Correct the zoning plotted as per the 1" = 200' scale zoning map #SW 3-F.
Remove the proposed office building use from the rear .36 acre portion of the property zoned D.R. 5.5. The rear portion of the property is identified as Issue #1-015 logged in the 1988 Comprehensive zoning map process. The R.O. zoning is not in place on the entire porperty and therefore the use as shown cannot be approved by the zoning office. Even if the zoning was in place only one building is permitted on a lot in a R.O. zone.

On the existing R.O. zoned portion a Special Exception zoning hearing would be required to permit a Class "B" office building and a Special Hearing to permit a 2nd access to the office use in the D.R. 5.5 zoned portion would be required. The Floor Area Ratio allowance of 0.5 and the Amenity Open Space requirement of 25% must both be calculated from the GROSS R.O. SITE AREA, and all of the required parking and qualifying A.O.S. area must be provided on the NET R.O. zoned portion of the property. All calculations should be corrected and detailed in square feet. All qualifying A.O.S. areas counted in the calculations must be shaded and subtotaled in square feet on the plan print.

overall
Complete_building elevations with the height shown (see Zoning Policy RM-6), and exterior building materials must be submitted.

Any proposed or anticipated signs must be included on the plan with the wilding elevations or a separate elevation. If other than one, 8-square foot, on-illuminated, building sign is proposed, zoning variances would be r If a freestanding sign is proposed as indicated on the plan, a detailed elevation of the sign should be included on the plan clearly showing the height, square feet, single or double-face and illumination.

May 26, 1988
If C.R.G. approval is not attained by approximately May effective date of the new parking regulations) then the parking calculations and requirements must be corrected to:

a. All office (general) 3.3/1000 square feet on all floors and

b. Medical offices 4.5/1000 square feet (any location) (See Eill #26-88 passed 4/4/88 by the County Council)

COUNTY REVIEW GROUP COMMENTS 1005 FREDERICK ROAD

If parking is anticipated on the D.R. 5.5 portion of the property, the R.T.A. requirements should be discussed with the zoning office prior to preparing any revised plans for the C.R.G. or Zoning Hearings.

7. Zoning approval of the plan would be contingent first upon correctly and completely representing all R.O. plan requirements on the plan prints and in the calculations for the C.R.G. meeting and secondly upon the outcome of all zoning hearing requests.

WCR,Jr.:dt

ADDITIONAL FOR THE 4/26/88 PLAN

8. The zoning office would not approve the C.R.G. plan until such time as the buildings #4 and #6 Locust Drive are verified as legally existing apartment buildings #4 and #6 Locust Drive are verified as legally existing apartment buildings and that the number of apartments are verified. Also, that the A.O.S. calculations are corrected to include only the QUALIFYING A.O.S.

9. Include on the site plan and address the S.409.4 requirements of the B.C.Z.R.

AA 10. Note on the plan "All offsite dwellings and vacant small lots of record (less than 2 ac.) that create a R.T.A. onsite are shown with the required 300 ft. and 250 ft. arcs."

AA 11. Clarify the use of the "dormer" 3rd. floor area that is not included in the floor area , parking calculations, or on drawing "A-1".

3A 12. Note in the parking calculations that no medical offices are permitted on the

QA 13. Reference the comprehensive zoning map issue

BALTIMORE COUNTY, MARYLAND

SUBJECT: COUNTY REVIEW GROUP COMMENTS

FROM: ZONING OFFICE

5/5/88) PROJECT NAME: 1005 FREDERICK ROAD REV: 5/23/88 REV:

LOCATION: SE/Cor Frederick Rd. and Locust Drive

DISTRICT: 1c1

BAY BE ADVISED (NOT NECESSARY FOR CRG APPROVAL, BUT MUST BE ADDRESSED PRIOR TO FINAL ZONING APPROVAL

DATE: 5/25/88

(Continued from

ADDITIONAL COMPANTS ADDED LAST BY PLAN DATE

The rear portion of the property is identified as Issue #1-015 logged in the 1988 Comprehensive zoning map process. The R.O. zoning is not in place on the entire property, therefore all development must be limited to the land zoned R.O. The R.T.A. requirements as generated from the single family dwelling and the two unit converted dwelling on the west side of Locust Drive would prevent any use of the D.R. 5.5 zoned portion of the property.

A Special Exception zoning hearing would be required for a Class "B" office building in a R.O. zone and final zoning approval would be contingent upon the outcome of the public hearing.

Complete building elevations with the overall height shown (see Zoning Policy RM-6), and exterior building materials must be submitted.

Any proposed or anticipated signs must be included on the plan with the building elevations or a separate elevation. If other than one, 8 square foot, nonilluminated, building sign is proposed, zoning variances would be required. If a freestanding sign is proposed as indicated on the plan, a detailed elevation of the sign should be included on the plan clearly showing the height, square feet, single or double-face and illumination.

If C.R.G. approval is not attained by May 26. 1988 (the effective date of the new parking regulations) then the parking calculations and requirements must be corrected to:

a. All office (general) 3.3/1000 square feet on all floors and

b. Medical offices 4.5/1000 square feet (any location)

calculations or on drawing "A-1".

(See Bill #26-88 passed 4/4/88 by the County Council)

Remove the parking note concerning S.409.4 (B.C.Z.R.) and clarify the use of the "dormer" 3rd floor area that is not included in the floor area, parking

1005 FREDERICK ROAD

Raltimore County

Towson, Maryland 21204-2586

July 26, 1988

Location: SE corner of intersection of Locust Dr. and Frederick Road

Pursuant to your request, the referenced property has been surveyed by this

to be corrected or incorporated into the final plans for the property.

() 2. A second means of vehicle access is required for the site.

(x) 7. The Fire Prevention Bureau has no comments at this time.

EXCEEDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the

() 5. The buildings and structures existing or proposed on the site shall

Fire Prevention Code prior to occupancy or beginning of operation.

comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition

Bureau and the comments below marked with an "X" are applicable and required

() 1. Fire hydrants for the referenced property are required and shall be

located at intervals or ____ feet along an approved road in accordance with Baltimore County Standards as published by the Department

Dennis F. Rasmussen

Zoning Agenda: Meeting of 7/26/88

Fire Department

494-4500

Paul H. Reincke

Gentlemen:

J. Robert Haines

Towson, MD 21204

Item No.: 14

Zoning Commissioner

Office of Planning and Zoning

Baltimore County Office Building

of Public Works.

prior to occupancy.

() 6. Site plans are approved, as drawn.

Special Inspection Division

() 3. The vehicle dead end condition shown at

Re: Property Owner: Ten O'Five Frederick, Inc.

Include 300' R.T.A. Arcs from the dwellings on the west side of Locust Drive, note that they do project an R.T.A. onsite and include a curb or fence barrier on the R.O./D.R. 5.5 zone line.

WCR.Jr.:dt

COUNTY REVIEW GROUP COMMENTS

Zoning Coordinator

September 27, 1988

The applicant is requesting special exception approval for the construction of a Class B office building in a RO zone. In reference to this request, staff provides the following information:

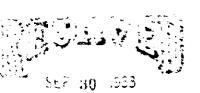
- On May 25, 1988, a CRG was approved for this site. There was citizen input regarding the proposed project. The primary issue centered on the availability of parking and the effect of overflow parking spilling onto Locust Drive.
- Several additional elements of this plan need to be addressed. The applicant is proposing a series of four townhouse-type office buildings. The front of these buildings will be architecturally varied. The rear of the structure, however, will effectively become one solid 96 foot long wall. The rear of the structure will be visible from the post office. Elevations for the rear of the building should be reviewed and approved prior to approval. The small 3-foot strip located at the rear of the proposed buildings should be reviewed and approved prior to approval. The small 3-foot strip located at the rear of the proposed buildings should be reviewed for landscaping feasibility. The required landscaping should be increased to provide more effective buffering along the southern portion of the RO zone.

Based upon the analysis conducted and information provided staff recommends approval of the proposed project subject to the concerns noted.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: April 30, 1991



cc: Kenneth Helrika, Ex.

Mr. Wirth / SWM

Mr. Powell / EIRS

Mr. Fisher / Current Planning

Mr. Famili / Traffic Engineering

Mr. Beaumont / Land Acquisition

Ms. Lutz / House Numbering

Bureau of Public Services

Capt. Kelly / Fire Department

Mr. Kincer / Recreation & Parks

Mr. Keller / OPZ Deputy Director (FYI)

Project Name: 1005 FREDERICK RD.

CRG Plan Review (Meeting Waived)

CRG 'on-Material Amendment Review

Panhandle Minor CRG Plan Review

CRG Plan Approval Extension Review : X

Thank you for your attention to our request.

Please review the attached plan for compliance with current regulations and return comments to our office by May 21, 1991. If you have no comments or do not need to review this plan, please indicate by placing

CRG Plan Refinement Review

Minor Subdivision Review

Mr. Richards / Zoning

Mr. Weiss / Sanitation

Mr. Brocato / SHA

Susan Wimbley

your initials here _____.

SUBJECT: District: 1 C 1

ACTION REQUESTED:

SDW:bje

Attachment cc: File

1005FRED/EDWS

Mr. Butcher / C & P

Project No.: 88054

Engineer: Crocken

Phone No.: 549-2708

Mr. Bowling / DED (2)

Mr. Pilson / W&S Mr. Flowers / CBCA

89-116-XA

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: October 25, 1989 Al Wirth - SWM Bob Bowling - Dev. Eng. Frank Fisher - Current Planning

Rahim Famili - Traffic Engineering Rocky Powell - DEPRM Larry Pilson - DEPRM Dave Flowers - DEPRM Carl Richards Zoning Capt. Kelly - Fire Department Pat Kincer - Rec. & Parks Chuck Weiss - Sanitation Larry Brocato - SHA Shirley Murphy - Land Acq.

Susan Wimbley Bureau of Public Services

SUBJECT: Amended C.R.G. - 1005 Frederick Road Chas. Crocken 549-2708

(Proposed Waiver 89-242)

Please review the attached for concurrence to an amended C.R.G. approval for the above subject and give us your approval or comments by November 10, 1989. Nonresponsiveness by the aforementioned date is considered to be concurrence by your office of changes made.

(SEE OTHER SIDE FOR COMMENTS)

Attachment

cc: File

C.R.G. Waiver Extension Plan Date: 2/9/90 Comments Due: 5/21/91 Comments Date: 5/20/91

The Deputy Zoning Commissioner has written an Order dated 5/15/91 requiring that a Special Hearing be filed by the petitioner in Zoning Case #89-116-XA to determine the appropriateness of extending the special exception granted 6/21/89. (A copy of this new Order is attached.) Final zoning approvals are subject to the outcome of this special public hearing and this must be noted on the plan as part of the zoning history.

Zoning will approve this C.R.G. extension with the clear understanding that the submitted extension plan is identical to the First Amended C.R.G. Plan approved 11/16/89, under waiver #W-89-242 and is subject to the C.R.G. waiver comments from this Office and any other previous C.R.G comments which may not have been

addressed on the C.R.G. plan; and secondly, upon the final resolution of all comments, the outcome of any requested zoning hearings and finally, the inclusion of the blue commercial checklist information being included on the building permit site plans.

reference to the waiver #W-89-242 and written correspondence or revised plans

JLL:scj

cc: Current Planning Waiver File

1005 FREDERICK ROAD

Include the planning file number on the plan and detail the zoning history of the site on the plan, stating the case numbers, what was granted or denied, listing and showing compliance with any restrictions. Due to the extensive restrictions placed on the site in zoning hearing #89-116-A (copy attached), all locations of granted variances and restriction must be clearly shown and keyed to the hearing notes. When a plan with these revisions is made available, this Office will be able to make worthwhile comments. When the plan is approved by this Office, a copy must be provided for inclusion in the zoning hearing file.

The handicapped space abutting the residential zone must be relocated. Enlarge the vicinity map to 1"=1,000' or greater and clearly show lot outlines.

lanning & Zoning Associate III

Development Processing

County Office Building

March 17, 1997

This letter responds to your request for a spirit and intent

The proposed change to the parking was reviewed by Mr. Rahee Famili

Please be aware that this review is limited to the parking layout

The last amended order in this case indicates that this special

determination requesting a modification of the parking layout on the above

(Traffic Engineer for Permits and Development Management) at my request.

Regretfully, Mr. Famili does not see how the proposed parking layout is workable. Based on his professional assessment that the increased parking is

unworkable within the area provided, I am unable to approve the parking changes

(as described in your letter). Several protestants attended the zoning hearing

and per the commissioner's findings, were concerned about the building size and

design. This, and the fact that variances were granted for the building

setback, clearly indicates to the staff that any increase in building size

inclusive of entrance ways (larger than permitted by Section 301.2 of the Baltimore County Zoning Regulations) will require zoning hearings to amend the

exception had an additional zoning hearing to extend the special exception time

frame. This is not indicated in your letter but be aware that the special

exception must be vested by substantial construction prior to the expiration of

said hearing (within a maximum of 5 years from the date of the original order).

as being within the spirit and intent of the previously approved plan.

referenced site as originally approved in zoning case 89-116-XA.

RE: Spirit and Intent

1005 Frederick Road

Zoning Case #89-116-XA

1st Election District

111 West Chesapeake Avenue

Towson, Maryland 21204

Baltimore County

Charles R. Crocken, PE

Westminster, MD 21158

P.O. Box 307

Dear Mr. Crocken:

Department of Permits and

Development Management

Charles R. Crocken & Associates, Inc.

Baltimore County Zoning Commissioner Office of Flanning & Zoning Towson, Maryland 21204 **104**3358 887-3353

J. Robert Hailes Zoning Commissioner

November 29, 1988

Mr. David G. Kaufman Ten O'Five Frederick, Inc. 4047 Ridge Road Westminster, Maryland 21157

Case No. 89-116-X



RE: Petition for Special Exception SE/Corner of the Intersection of Locust Drive & Frederick Road (1005 Frederick Road) 1st Election District - 1st Councilmanic District Ten O'Five Frederick, Inc. - Petitioner

Dear Mr. Kaufman:

The purpose of this letter is to acknowledge receipt of the revised site plan prepared by Charles R. Crocken & Associates for the subject property. A review of the plat indicates that it may not be in conformance with the requirements as set forth in Bill No. 151-88 which took effect on November 27, 1988. Since your hearing is scheduled for December 7, 1988, it is the position of this office that compliance with said Bill is required. It will therefore be necessary for you to submit a newly revised site plan. Further, pursuant to Section 203.B, an approved CRG plan is required prior to granting the special exception.

A copy of this letter is being forwarded to Vernon Boozer, Esquire, who, it is my understanding, may be representing you at the upcoming hearing. If you should have any questions concerning this matter, please do not hesitate to contact Mitch Kellman of this Office at 887-3391.

> Very truly yours, / Na tamoin ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

cc: F. Vernon Boozer, Esquire 604 Bosley Avenue, Towson, Md. 21204 Charles R. Crocken

P.O. Box 307, Westminster, Md. 21157 Mitch Kellman

File

Charles R. Crocken, PE March 17, 1997 Page 2

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at (410) 887-3391.

Planner II

Zoning Review

JLL:rye

c: zoning case 89-116-XA

Enclosure

1005 FREDERICK ROAD W-89-242

addressed. (Copies attached.)

Final zoning approval is contingent first, upon all plan comments being

Any requests for further information from the Zoning Office must include a must be accompanied by a copy of these comments.

> JOHN AL. LEWIS PLANNER II

Zoning File - #89-116-XA

Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

May 13, 1997

Charles R. Crocken, P.E. Charles R. Crocken & Associates, Inc. P.O. Box 307 Westminster, Maryland 21158

> RE: Zoning Verification 1005 Frederick Road Zoning Case #89-116-XA 1st Election District

Dear Mr. Crocken:

Based on a second red-line plan review, the staff has considered the parking layout expansion and has been advised by the Traffic Engineer of the Development Plans Review section (Mr. Famili), that said layout is acceptable for traffic standards, additionally, the zoning commissioner, in the amended order restriction of July 13, 1989, stated in part that "additional parking shall be provided".

In conclusion, the staff approves this second red-lined plan for the parking and parking layout (as shown) as being within the spirit and intent of the above referenced zoning case. Please document this response on all future

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

> Planner II Zoning Review

JLL:rye

c: zoning case 89-116-XA

Enclosure

12/7/88 Ten Office Frederick, Inc. CASE CONTINUED Pethren - requested continuese due to Bill 188-55

of reed to subject new plan —

é file add 41 petities to leaduestise é le post -

LAW OFFICES McFarland, Weinkam, O'Connell & Masters 1002 FREDERICK ROAD CATONSVILLE, MARYLAND 21228 - 5029 C. VICTOR MCFARLAND

LOUIS J. WENKAM, SR. F.C. THOMAS J. O'CONNELL KENNETH H. WASTERS

May 24, 1989

RE: Bill 26-88 1005 Frederick Rd. Section 409.1(B) Application 89-116XA Hearing - 5/17/89

ZONING OFFICE

AREA CODE SOI

786 · 2300

Dear Ms. Nastarowicz:

Ms. Ann M. Nastarowicz

Deputy Zoning Commissioner for Baltimore County

Office of Planning & Zoning 111 W. Chesapeake Ave.

Towson, MD 21204

At the time of the hearing on the Application for Variances by Joel Kaufman for a Class B office building in an R.O. Zone, Case No. 89-116XA, 1005 Frederick Rd., at your request I agreed to comment on Section 409.1(B) (Bill 26-1988).

Bill 26-88, 409.1(B), provides:

"Those projects which have CRG approval prior to the effective date of these regulations may modify their plans to satisfy these regulations or may proceed under the regulations in effect at the time of said approval."

Bill 26-88 was passed by the County Council on March 7, 1988, and became effective May 26, 1988; however, subsequently the County Council later in its 1988 session passed Bill 151-88 which became effective on November 27, 1988. This later bill dramatically reduces the permitted size and scope of Class B buildings in an R.O. Zone. The new regulation also allows no more than 25% use for medical offices.

The applicant's plans were the same as previously approved by the CRG under the old law (Bill 13-1980). The purpose of the variances is to obtain a Class B office building under the old law by making the variances cover the difference between the old law and the new law and thwart the express purposes of the new law.

Attached is a copy of the Planning Board's "Final Report" to the County Council dated May 19, 1988, Please note the Statement of Legislative Policy and Analysis.

The applicant attempts to gain approval of a void site plan under the new law through variances and a twisting of the meaning and purpose of Section 409.1(B). The applicant inappropriately used the term "Grandfuther Clause" in reference to that section.

Ms. Ann M. Nastarowicz

May 24, 1989

First: Section 409.1(B) applies to parking only. The preamble to Bill No. 26-88 provides: "AN ACT concerning

Parking

FOR the purpose of generally revising the Baltimore County Zoning Regulations in order to adopt new provisions governing all off-street parking and loading of vehicles in Baltimore County."

Therefore, the thrust of Section 409.1(B) concerns the changes made by its own enactment. The applicant can follow its provisions with regard to parking if it is in its best interest or proceed under the old regulations if it is to its benefit. This "Saving Clause" is nothing more than an option allowed for the parking requirements of this site plan as changed by Bill 26-1988. It does not allow such an option to a repealing ordinance not yet enacted.

Second: Section 409.1(B) is not a grandfather clause with regard to the variances because Bill 151-88 has no "Savings Clause" exceptions to the site plans that have been approved under certain conditions prior to its enactment particularly since it applies to parking only.

Third: Section 409.1(B) does not insulate the provisions of 409 under Bill 13-1980 from a subsequent act of the County Council by setting a standard and if met, creates a vest right in the

The building that formerly occupied the site has been raised and the site is vacant without improvements. The common law doctrine of substantial construction that vests a vested right, therefore, cannot be brought to bare in this case.

Fourth: Estoppel cannot apply because no permits have been issued for the planned

Fifth: The County Council is presumed to know the law and its effect at the time Bill 151-88 was passed and that it would repeal any previous ordinance conflicting with its provisions. Since Bill 13-1980 no longer exists and is void, so likewise are permits or administrative approval based on its provisions. The enactment of Bill 151-88, *ipso facto*, revoked the CRG approval. Malmar Associates v. Board of County Commissioners, 260 Md. 292, 272 A.2d 6, at page 15.

It is the law in effect at the time the case appeared before the Zoning Office--May 17, 1989-that applies. Yorkdale Corp. v. Powell, 237 Md. 121, 205 A.2d 269; Banner v. Home Sales Co. D, 201 Md. 425, 94 A.2d 264; Lake Falls Ass'n. v. Board of Zoning Appeals, 209 Md. 561, 121 A.2d 809, Grau v. Board of Zoning Appeals, 210 Md. 19, 122 Md. 824; Mandel v. Board of County Com'rs. of Howard Co., 228 Md. 208, 208 A.2d 710; and Ross v. Montgomery County, 252 Md. 497, 250 A.2d 635.

"...As a matter of dicta, some courts have stated that the amendment of the ordinance constitutes, ipso facto, a revocation of any permit for a use or structure prohibited by the amendment."

Ms. Ann M. Nastarowicz

May 24, 1989

Therefore, the Protestants request that the variances be denied for the reasons stated at the hearing and as set forth above.

(1) The statute upon which the application is actually based is void. (2) The applicant cannot be allowed to accomplish that which the new statute was created to avoid by the expedient of variances.

(3) That the applicant's approval of the CRG is void under a repealed statute and a new CRG approval is required to meet the requirements of the new law.

cc: Anthony J. Dipaula, Esq. Thomas Booth Berchie L. Manley

RESIDENTIAL-OFFICE ZONES

MAY 19, 1988

CATONSVILLE

FINAL REPORT OF THE BALTIMORE COUNTY PLANNING BOARD REGARDING THE RESIDENTIAL-OFFICE ZONE

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

CATONSVILLE 2000, INC.

OFFICERS Thomas E. Booth

klema i diserieny Richard W. Decker

Thomas E. Booth Joseph E. Chilcoat Edwin C. Cogswell Richard W. Decker Michael L. DeLuca Herbert J. Derwart Nan Florence William Holley C. Victor McFarland Fran Medicus James W. Mohler Louis Morsberger Paul Stack

> **STANDING** COMMITTEE Paul E. Stack

TRAFFIC & PARKING

Kevin Sippel

Jean Walsh

Thomas E. Booth **ARCHITECTURE** Fron Medicus RESOURCE MATERIAL

STREETCAPE &

ADVISOR TO THE BOARS William Hughey First District Planner **Baltimore County Office of Community Planning** "Working For A Better Catonsville Community" c/o 2 West Rolling Crossroads

Suite #203 Catonsville, Maryland 21228 (301) 747-2900 May 31, 1991

Ms. Ann M. Nastarowicz Deputy Zoning Commissioner for Baltimore County 111 W. Chesapeake Avenue

Towson, Maryland 21204 Re: SE/corner Locust Drive and Frederick Road 1005 Frederick Road Case No. 89-116-XA Dear Ms. Nastarowicz:

The above-referenced issue was discussed at our May 21, 1991 Board meeting. After some discussion, a motion passed to oppose the request of the petitioners to extend the special exception which was granted on June 21, 1989 and later amended July 12, 1989. Please continue to notify us of any changes and, most importantly, please

notify us of the hearing date. Sincerely,

JWM/lam CAT2000#3

James W. Mohler

Secretary

cc: Mr. Joel C. Kaufman Mr. Kenneth Holniker Mr. Anthony J. DiPaula, Esq. Mr. Thomas Booth

JUN 3 1991

ZONING OFFICE

COVAHEY & BOOZER, P. A. ATTORNEYS AT LAW 614 BOSLEY AVENUE

TOWSON, MARYLAND 21204 AREA CODE 301 EDWARD C. COVAHEY, JR FAX 301-296-2131

SUITE IQI 606 BALTIMORE AVE TOWSON, MD. 21204 AREA CODE 301

DREPLY TO:

ANNEX OFFICE

February 28, 1989

HAND DELIVERED Mr. Mitch Kellner Baltimore County Zoning Office County Courts Building 111 West Chesapeake Avenue

Towson, Maryland 21204 RE: CASE NO.: 89-116-X TEN O'FIVE FREDERICK, INC.

Dear Mitch:

F. VERNON BODZER

ANTHONY J. DIPAULA

MARK S. DEVAN

THOMAS P. DORE

Following up our discussions at the filing appointment on last Friday, February 24, enclosed please find ten (10) revised plats showing the front setback (fronting Locust Drive); the front buffer area, which has become an additional variance; and the side setback, as well as correcting the zoning notes. Also enclosed please find three (3) Petitions for Variances, and a check for \$135.00. We recognize that the case will be readvertised, and that the hearing will ultimately be on the special exception previously filed as well as these variances. Please expedite this.

Very truly yours,

Anthony J. DiPaula

AJD/cab Enclosures 28 cb.1

COVAHEY & BOOZER, P. A. ATTORNEYS AT LAW

614 BOSLEY AVENUE TOWSON, MARYLAND 21204 AREA CODE 301 828-9441

April 29, 1991

FAX 301-296-2131

ANNEX OFFICE SUITE 101 606 BALTIMORE AVE. TOWSON, MD. 21204 REA CODE 301 828-5525

D REPLY TO:

Ann M. Nastarowicz Deputy Zoning Commissioner for Baltimore County Office of Planning & Zoning 111 W. Chesapeake Avenue Towson, Maryland 21204

EDWARD C. COVAHEY, JR.

F. VERNON BOCZER

ANTHONY J. DIPAULA

* ALSO ADMITTED TO D. C. BAR

MARK 5. DEVAN

THOMAS P. DORE

ZONING OFFICE

RE: CASE NO.: 89-116-XA PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE SOUTHEAST CORNER OF THE INTERSECTION OF LOCUST DRIVE AND FREDERICK ROAD (1005 FREDERICK ROAD)

Dear Mrs. Nastarowicz:

Please treat this letter as a request under Section 502.3 of the Baltimore County Zoning Regulations for an extension of the time for utilization of the special exception granted in the above case. Your original Order in this matter was dated June 21, 1989, and was amended on July 13, 1989. The two (2) year period for utilization of the special exception will be expiring soon, and it does not appear that permits will be obtained or construction begun before that time.

As a brief explanation for the necessity of this extension, believe it or not it has taken this long to obtain all of the approvals necessary to get the approved CRG plan to record plat status. The record plat will be recorded, hopefully by the time you read this letter, but there have been many stumbling blocks interposed throughout the record plat process which have hindered development of this site. Needless to say, the economy has not helped matters, and the Petitioner would have been prepared to develop this site shortly after the zoning approval was obtained if a record plat could have been obtained just as quickly, but due to the long delay in obtaining record plat approval, this is not an optimum time for development.

It is not expected that the maximum allowable time will be needed, and it is therefore requested that an extension of eighteen Ann M. Nastarowicz April 29, 1991

(18) months from July 13, the date of your amended Order, be granted. The petitioners are confident that construction would begin and be underway by the expiration of that time.

Thank you for your consideration of this request, and please advise the undersigned if anything additional is required.

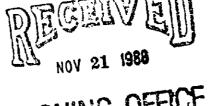
> Very truly yours, Anthony J. DiPaula

4 ds.158

cc: Ten O'Five Frederick, Inc. c/o Joel Kaufman Charles R. Crocken

CHARLES R. CROCKEN & ASSOCIATES, INC. Civil Engineering . Land Planning P.O. BOX 307 WESTMINSTER, MARYLAND 21157 November 15, 1988

J. Robert Haines, Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, MD 2104



Attention, Anne Nastarowicz

Subject: Petition for Special Exception Case Number: 89-1161-X Construction of a Class "B" Office Building

Dear Mrs. Nastarowicz,

Enclosed please find a revised copy of the plat of the subject property upon which we have made several revision as per comments of the Zoning Plans Advisory Committee. For your convenience our office has "high-lighted" the revisions.

We wish to enter this letter into the case record as evidence that the plans are in compliance with the Counties requirements for "CRG" approval and that the proposed use for which the Special Exception is requested, "Professional Offices" meets the requirements of Section 502.1 of the County Zoning Ordinance, in that the proposed will not:

- a. Be detrimental to the health, safety or general welfare of the locality involved;We believe the construction of professional offices, for doctors and other professionals such as accounts and attorneys or small businesses poses no threat to the health and safety of the area and can only serve to enhance the general welfare of the locality by making the services more readily available to the area residents.
- b. Tend to create congestion in roads, streets or alleys therein;.... This is an issue which was addressed at "CRG" meeting and it was noted that the plan provides for construction of a one way entrance from Locust Dr. and a one way exit, right turn only, onto Frederick Rd. thereby reducing the impact of site traffic on the neighborhood streets to a minimum.

c. Create a potential hazard from fire, panic or other dangers; The approved "CRG" Plan provides for the construction of a water main and fire hydrant which provide adequate fire protection and enhance water service for the subject site and for adjoining properties. No use is proposed which would create a potential for panic or other dangers.

d. Tend to overcrowd land and cause undue concentration of population; The approved "CRG" Plan conforms to the Counties density requirments providing for on site open space, parking, etc. and the proposed use "Professional Offices" totaling only 5,760 sf. of gross floor area will not cause undue concentration of population or overcrowd the land.

e. Interfere with adequate provisions for schools, parks water, sewerage, transportation or other public requirements, conveniences, or improvements;..... The proposed professional offices will not generate additional population. Hence, they will not interfere with schools or parks or other public conevniences. Also, staff reports prepared for CRG approval indicate there is adequate water and sewer capacity available to service the site.

f. Interfere with adequate light and air;The proposed office building meets County standards for building setback and height requirements and will not interfere with light and air to adjoining properties.

g. Be inconsistent with the purposes of the property's zoning classification..... The properrty is zoned "RO" the proposed office building is consistent with with the zoning and was found to be compatable with the neighborhood at the CRG meetings.

h. Be inconsistent with the impermeable surface and vegetative retention provisions The CRG Plan approved, May 25, 1988, included provisions for retention of runoff from the site and provided for landscaping and vegetative restabilization of disturbed areas per County standards to insure water quality as well as retention of runoff per Counnty design standards.

I trust you will find the above satisfactory, should you have any questions concerning the plan or any of the above please do not hesitate to contact our office.

Charles R. Crocken P.E.

CRC/kmc cc Kaufman

FRED-SP.EXC

CHARLES R. CROCKEN & ASSOCIATES, INC. Civil Engineering • Land Planning P.O. BOX 307 WESTMINSTER, MARYLAND 21158

March 4, 1997

Mr. Arnold Jablon, Director Permits & Development Management 111 West Chesapeake Avenue Towson, MD 21204

SUBJECT: "1005 Frederick Road" Professional Office Condominiums Zoning Case 89-116-xa

Please find enclosed herewith a check in the amount of \$ 40.00 and two redline copies of the approved Zoning Plat (which CRC also used as the CRG Plan) of the subject property. We hereby request approval of the spirit and intent of the proposed change. We have submitted redline copies of the plan to the Development Review Committe for approval of a CRG Refinement.

The purpose of the refinement is to modify the layout inorder to to provide additional spaces, facilitate parking and improve accessibility for the handicapped.

We propose to shift the entrance to the property towards Frederick Road and skew the parking as shown on the plan inorder to provide additional space and improve parking. We have shifted the handicapp space to the center of the building to improve access and provide a van accessable space. We have taken advantage of the shift in the layout to provide an additional space on the corner of the site.

We believe the proposed changes will greatly improve the site and the adjacent properties. Should you have any questions or require additional information do not hesitate to contact me.

Because the site is now ready for final grading, we request prompt attention to this matter.

Charles R. Crocken, PE

Encl. crc-25 frd-zon.red

President

Sincerely.

DRC-03247 C COPY 4/23/97 CHARLES R. CROCKEN & ASSOCIATES, INC. Civil Engineering • Land Planning P.O. BOX 307 **WESTMINSTER, MARYLAND 21158**

April 22, 1997

Mr. Arnold Jablon, Director Permits & Development Management 111 West Chesapeake Avenue Towson, MD 21204

SUBJECT: "1005 Frederick Road" Professional Office Condominiums Zoning Case 89-116-xa " SECOND SUBMITTAL - OLD BUSINESS '

Attention: John Lewis

As per our conversation, this date, I am enclosing two redline copies of the approved Zoning Plat (which CRC also used as the CRG Plan) of the subject property. We hereby request approval of the spirit and intent of the proposed change. This is the second version of the revision and has been reviewed and approved by the traffic engineer. We have submitted redline copies of the plan to Development Review Committe for approval of CRG Refinement.

The purpose of the refinement is to modify the layout inorder to to provide additional spaces, facilitate parking and improve accessibility for the handicapped.

We propose to shift the entrance to the property towards Frederick Road and skew the parking as shown on the plan inorder to provide additional space and improve parking. We have shifted the handicapp space to the center of the building to improve access and provide a van accessable space. We have taken advantage of the shift in the layout to provide an additional space on the corner of the site.

We believe the proposed changes will greatly improve the site and the adjacent properties. Should you have any questions or require additional information do not hesitate to contact me.

For your convenience we have enclosed copies of our original correspondence. Because the site is now ready for final grading and paving we request your prompt attention to this matter.

Sincerely,

Charles R. Crocken, PE President

WESTMINSTER, MD 21157 TO ZONING ADMINISTRATOR IN W. CHESAPEAKE AVE TOUSON, MD. 21204 GENTLEMEN: DATE 10-4-89 100 NO. ATTENTION ATTENTION								
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If enclosures are not as noted, kindly notify us at since.

DRC -03247 C

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CHARLES R. CROCKEN & ADOCIATES, INC. LETTER OF TRANSMITTAL	CHARLES R. CROCKEN & ASSOCIATES, INC.	97-1388	
Civil Engineering = Land Planning P.O. Box 307 Westminster, MD 21158 PATE 4/25/97 PATE 4/25/97 PATE 4/25/97	Civil Engineering • Land Planning P.O. BOX 307	Civil Engineering • Land Planning Civil Engineering • Land Planning 2/3/97 40	PLEASE PRINT CLEARLY PETITIONER(S) SIGN-IN SHE
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Zoning Office Ten-O-Five Frederick Rd.	FAS TRANSMISSION COVER PAGE 89-116-XA.	call- FAX TRANSMISSION COVER PACE	CHARESK CROCKEN F.E. 902 CHARESK CROCKEN FASSE) SYKE
- Zoning Plat	Fax. No. 410-549-9063 Voice 410-549-2708 ame N Affat should be modeled	Fax. No. 410-549-9063	ANTHONY J. D. PANIA ESQ. (CONTRY 1502M, PM) CIX BO.
Gre 89-116-XA		Voice 410-549-2708	Jose Kaupney your
GENTLEMEN: WE ARE SENDING YOU LET Attached Under separate cover viathe following items:	DATE: 4/3/97 CLIENT/PROJECT) 1005 FRETWARK 170. But IN 180	DATE: 3/31/97 CLIENT/PROJECT 1005 FREDERICK RD	DAVID KAUFARM. 4047
☐ Shop drawings ☐ Prints ☐ Plans ☐ Samples ☐ Specifications	TO RECEIVING FAX NO. 887-2824 No. PAGES 2 TO: COM LINKS	TO RECEIVING FAX No. 887- 2824 No. PAGES 2	
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3 4/25 / Rélier Revision 3+72173 Plat	TELEPHONE No. TO CONFIRM RECEIPT: 410-549-2768	FIRM: Brigo. Co. Consuly -	
	FROM: Below Cockers.	TELEPHONE No. TO CONFIRM RECEIPT: 410-549-2708	
Old Careyndence	SUBJECT: REDUNE REVISION & SPRIT & 1 with	FROM: CHARLES CROCKEN	PLEASE PRINT CLEARLY PETITIONER(S) SIGN-IN SHI
1 4/35 1 Core litter	IF FOR ANT REASON YOU NEED TO CONTACT US. PLEASE CALL	SUBJECT: <u>REACHE REVISION PROMOTO CANALY</u> IF FOR ANT REASON YOU NEED TO CONTACT US. PLEASE CALL	
	AT 410-549-2706 + Upy there		Thomas Dove Esq Colakey
	COMMENTS: CONTRACTOR OF THE PARTY OF THE PAR	AT 410-549-2708	
THESE ARE TRANSMITTED as checked below:	COMMENTS: CRC SEAR and REUSED RAIN TO SHAPE	COMMENTS: SECTIONS COPY TO RAHIMA FRANCE!	JEEC KINT-AND 4.47 R
For approval	RAHMA FAMILY - ON 4/2/97 - CRC	NOTE CHANGE TO SPACE O AT	
☐ For your use ☐ Approved as noted ☐ Submitcopies for distribution ☐ As requested ☐ Returned for corrections ☐ Returncorrected prints	ANGLED SPACES (3 40) AND PULLED	ENTRANCE I BELIEVE THIS	CHARLES R. CROKEN 902 CA
☐ For review and comment ☐	SPACES @ @ FIRWARD AT REQUESTED	SATIFFIES YOU, CONCERNS -	
FOR BIDS DUE	MUST I URITE TOMMY AT THEN CETTER	BUILDING 15 90% CONSTRUCTED - CRC	
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To the second to	TROUTED Buildy C.	REFER TO YOUR CETTER OF 3/17/97.	PETITIONER(S) SIGN-IN SHEET
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	The said BUT IN MENUT!		JOEL KAUFMAN 4047 Ride Roa
COPY TO File 1025 Freel (et	Frenche were parking unit		CHARLES R. CROCKEN (ENCR) 902 LEE AVI
SIGNED: Signed the Signed Sign			
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	In parky land		Did not show bent and notice
DIEACE DRINT CLEADLY DESIGNER(S) SIGN-IN SHEET			Kerneth Hunscher Egg.
PLEASE PRINT CLEARLY PROPER(S) SIGN-IN SHEET		CHOS XVICEREDA	
NAME ADDRESS			
THOMAS A. ANDERSEN 788-6166 10 LOCUST DR. BALTO MP 21228		bune.	
BT -1ARRISON 747-9091 14 Locus + DR CATONSVILLE Linda Pfeifer 782-9138 17 Sanford Que Catonsville		20'4 \$18 243 518 THE COLOR TO T	
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John & Charles Jansen 1012 Edwardson, Are 21228 144-5272		PETITION	
Voliga Schmale 1005 Avien Park Rd Ap340 Bafto MD 21229	3.5	We, the undersigned residents of Garon will are opposed	Baltimore County
	METHODIST	to any zoning variances concerns the Bornay situated at Fredrick Road and Locusting W. The Bornay situated	Baltimore County Zoning Commissioner Office of Planning & Zoning
	THE FILE STATES	at Fredrick Road and Locustally	iowson, Maryland 21204
	10000 CONTRACTOR OF THE PARTY O	Name Address Telephone	Attention: Mr. J. Robert Haines. Zoning Commissioner
<i>←</i>	以是是一个一个一个一个一个一个一个一个一个一个一个一个一个一个一个一个一个一个一	anthony Beneivery 413 LOCUST DR. 788-9039	Dear Mr. Haines:
PROTESTANT(S) SIGN-IN SHEET		Hard Co. news 410 Locus Dr. 744-478L	The following Locust Drive resident to the upcoming decisions of "Spec
ADDRECC	一个	A. Bencowicy N13 Locust And 788-9839	(Hearing notice attached) as descr 89-15-XA) regarding the property expect the decisions of Baltimore
NAME ADDRESS	S OV	Unny Kreuty 4/4 Locust Dr. 455-9689	the existing laws and our wishes a all variances.
10 hocust the	RO COSA CROAD COS N. COSA	Bot Hamilto 415 Locust Dr. 144-3427	Owner/Resident # ()
TONY BENICEWICZ 413 LOCUST DRIVE	TAMO LEGISLA	Jane Of Cornell 417 Found or. 747-6598	Human Hoffmann 29
1 2 Carlo & Locust Wrine		Robert J. Bryss med 420 Locust Dr. 744-1002	Parcy B. Mujana 21
1 1 2)28		ann Mr. augustine 420 Locust Dr. 744-2128	Mr. e. M. s. Engel Fields 18
Janla Pola 17 Sanford are 29228	RC 133 12 CONVERTING TO THE CONTROL OF THE CONTROL	- Lawona D. Mapeltillt 204 Newhorstor 147-5999	hout laint 22
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for Catenzille 2000 Catenzille Md. 2/228 [can Welson (Boardy & 2000 Inc.) 717 Famondon Ave Catinsville MD 21228	MIT PHOLE TO THE TOTAL THE	F. Laurie Smith 312 Locust Dr. 788-2260	The Has B. I Jourson 19
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	理到15日第1910年11月11日11日11日11日11日11日11日11日11日11日11日11日1	lighting looker and heat Da 785-18-18	cc: Honorable Ronald B. Hickernel
	是一个一个一个一个一个一个一个一个一个一个一个一个一个一个一个一个一个一个一个	Mrs. Lown Wallel 117 Locust for 747 98441 Lowin S. O'Mail 403 Lower Dr. 747-8684	Councilman, First District 754 Frederick Road Catonsville, Maryland 21228
	0.00.00.00.00.00.00.00.00.00.00.00.00.0	Janus S. W. Mall 403 down Dr. 747-8684	Catonsville, Maryland 21228

RLEE AVENUE EUNCE, No. 21784 Sosier Are. - Townson MD 21204 7 Ridge Pol. 21157 Pidge Pd. 2/157 12/7/88 ADDRESS 600ZER Ridge Rd. 21157. 476-2392 CER AVE. SKENILE MD (2708) ad WESTMINSTER MICE 21157 VE. SYKESVKCIE, MD. 21784 PROTESTANT'S
EXHIBIT > dents wish to express our opposition pecial Exception" and "Variances" scribed in the petition (Case No. y located at 1005 Frederick Road. We re County Zoning Board to comply with s to oppose the special exemption and <u>) Locust Drive</u>

Joseph To Societ Da Societ Da Locust Da Locust Da Locust Da Locust Da Locust Da Joseph Cani Joseph C Thomas A. Andersen
10 Locust Drive
Catonsville, Maryland 21228

attachment

